

**REMARKS**

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this amendment, claims 1-10 and 12-13 will be pending. By this amendment, claims 1, 8, and 12-13 have been amended. No new matter has been added.

**§ 103 Rejection of Claims 1, 5-8, 12, and 13**

In Section 4 of the Office Action, claims 1, 5-8, 12, and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Shiga *et al.* (U.S. Patent 6,005,562; hereinafter referred to as “Shiga”) in view of Henmi *et al.* (U.S. Patent 5,390,027; hereinafter referred to as “Henmi”). Claims 1, 8, and 12-13 have been amended to clarify and to round out the scope of protection to which Applicant is entitled.

In the Background section of the Specification, it was disclosed that "even if attempts are made to enter a new broadcast program while recording is being performed, the new broadcast program cannot be entered into the recording management information and retrieval at later time cannot be performed" *Background of the Specification, page 2, lines 8-12*.

To solve this problem, embodiments of the present invention include method and apparatus for broadcast program recording using EPG data “in which entering a new broadcast program into recording management information can be performed even if a broadcast program is being recorded.” *Specification, page 2, lines 16-19*.

For example, the structure of a broadcast program recording apparatus in claim 1, as presented herein, includes:

“a tuner section for receiving a current broadcast program containing broadcast program information;

*an EPG decoder section* for decoding the received broadcast program information to output the EPG data, which includes a current time and a broadcast program start time;

*a controller* configured to extract recording management information from the decoded EPG data, wherein said controller compares the current time with the broadcast program start time, outputs a match signal in response to substantial coincidence of time between the current time and the broadcast program start time, and enters a new desired broadcast program into said recording management information when the match signal is output so that the new desired broadcast program is reserved and is automatically entered into the recording management information even when said controller is already managing recording of the current broadcast program, said controller reserving and automatically entering the new desired broadcast program into the recording management information using said decoded EPG data; and

*a recording section* for recording the current broadcast program using the recording management information.”

(emphasis added)

Accordingly, in one aspect of claim 1, the controller of the broadcast program recording apparatus enters a new desired broadcast program into the recording management information when the match signal is output so that the new desired broadcast program is reserved and is automatically entered into the recording management information even when the controller is already managing recording of the current broadcast program. Further, the controller reserves and automatically enters the new desired broadcast program into the recording management information using the decoded EPG data. Accordingly, “it is possible to enter the new broadcast program without a user having to perform a special operation, thereby improving the ease of operation.” *Specification, page 3, lines 16-18.*

By contrast, although Henmi teaches automatically shifting from the first program to the second program once the first program ends, Henmi fails to teach or suggest entering a new desired broadcast program into the recording management information using the decoded EPG

data. That is, a user using the Henmi's apparatus manually inputs a plurality of programs to watch and the apparatus will automatically shift from one program to the next according to an initially programmed order of programs. It was stated that Shiga fails to explicitly disclose that the controller enters a new broadcast program into the recording management information. See *Henmi, column 12, lines 4-66*. Therefore, Shiga and Henmi, individually or in combination, fail to teach or suggest all the limitations of claim 1, as presented herein.

Based on the foregoing discussion, claim 1 should be allowable over Shiga and Henmi. Since claims 8, 12, and 13 closely parallel, and recite substantially similar limitations as recited in, claim 1, claims 8, 12, and 13 should also be allowable over Shiga and Henmi. Further, since claims 5-7 depend from claim 1, claims 5-7 should also be allowable over Shiga and Henmi.

Accordingly, it is submitted that the rejection of claims 1, 5-8, 12, and 13 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

#### § 103 Rejection of Claims 2 and 9

In Section 5 of the Office Action, claims 2 and 9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Shiga in view of Henmi and further in view of Contolini *et al.* (U.S. Patent 6,643,620; hereinafter referred to as "Contolini").

Based on the foregoing discussion regarding claims 1 and 8, and since claims 2 and 9 depend from claims 1 and 8, respectively, claims 2 and 9 should be allowable over Shiga and Henmi. Further, it was stated that Contolini teaches a voice controlled system for recording and retrieving audio/video program. Thus, Shiga, Henmin, and Contolini, in combination or individually, fail to teach or suggest all the limitations of claims 2 and 9.

Accordingly, it is submitted that the rejection of claims 2 and 9 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§ 103 Rejection of Claims 3, 4, and 10

In Section 6 of the Office Action, claims 3, 4, and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Shiga in view of Henmi and further in view of Yuen *et al.* (U.S. Patent 6,608,963; hereinafter referred to as “Yuen”).

Based on the foregoing discussion regarding claims 1 and 8, and since claims 3-4 and 10 depend from claims 1 and 8, respectively, claims 3, 4, and 10 should be allowable over Shiga and Henmi. Further, it was stated that Yuen teaches a video tape indexing system in which program broadcast identification information is entered into the system for use in recording the program. Thus, Shiga, Henmi, and Yuen, in combination or individually, fail to teach or suggest all the limitations of claims 3, 4, and 10.

Accordingly, it is submitted that the rejection of claims 3, 4, and 10 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

Conclusion

In view of the foregoing, entry of this amendment, and the allowance of this application with claims 1-10 and 12-13 are respectfully solicited.

In regard to the claims amended herein and throughout the prosecution of this

PATENT

Appl. No. 09/558,899

Attorney Docket No. 450100-02464

application, it is submitted that these claims, as originally presented, are patentably distinct over the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes that have been made to these claims were not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes were made simply for clarification and to round out the scope of protection to which Applicant is entitled.


In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicant's representative at the telephone number written below.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

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